

#13

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Robert J. Ein)
Serial No.: 09/769,727) Art Unit: 3742
Filed: January 26, 2001) Examiner: John A. Jeffery
For: THERAPEUTIC APPARATUS)

RECEIVED

MAY 14 2003
TECHNOLOGY CENTER R3700

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Mail Stop Non-Fee Amendment

LETTER

Sir:

The examiner, referring to the Office communication, dated February 11, 2003, set out for the record an objection directed to the drawing and required applicant to respond to the objection in a separate paper.

The objection was two-fold. First, the examiner objected to all figures of the drawing indicating that the word "Figure" and the accompanying number were too small for clarity. Second, the examiner objected to Figures 4A – 4E for reason that the figures failed to illustrate the lamina of the wrap of the apparatus shown in section by "[p]roper cross-sectional hatching...to properly denote insulative and metallic materials in accordance with MPEP 608.02..." (emphasis in original).

Approved
5/16/03

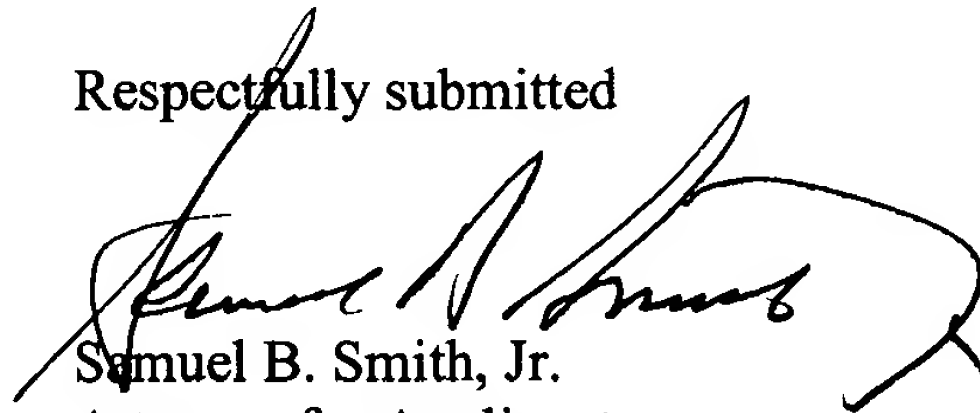
Attached is a copy of each of Figures 2, 3, 4A – 4E, 5 – 18, 19A – 19C, 20 – 25, 26A – 26G and 27A – 27B. Each of Figures 4A – 4E in addition to the enlargement both in presentment of the word “Figure” and the accompanying numeral to provide greater clarity for review, also include proposed amendments, in red, that illustrate the lamina in a cross-hatched state. The remaining figures, i.e., Figs. 2, 3, 5 – 18 and so forth present the word “Figure” and the accompanying number, in red, to provide figure numbers also of a size to provide greater clarity for review.

A copy of Fig. 1 is not attached since the figure number appears to be presented with proper clarity for review.

We trust that the examiner will agree that this response to the drawing objection and its proposed amendments address all issues presented so that the examiner is able to remove this ground of objection.

Applicant will submit the formal drawing at a later date. The formal drawing will include all of the amendments that are agreed to by the examiner.

Respectfully submitted



Samuel B. Smith, Jr.
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FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$126.00)

Complete if Known

Application Number	09/769,727
Filing Date	January 26, 2001
First Named Inventor	Robert J. Ein
Examiner Name	John A. Jeffery
Art Unit	3742
Attorney Docket No.	104070.113920

MAY 14 2003

TECHNOLOGY CENTER R3700

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1615

Deposit Account Name: Stoll, Keenon & Park

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE		Large Entity		Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee (\$)		
1001	750	2001	375		Utility filing fee	
1002	330	2002	165		Design filing fee	
1003	520	2003	260		Plant filing fee	
1004	750	2004	375		Reissue filing fee	
1005	160	2005	80		Provisional filing fee	
SUBTOTAL (1)					(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X =

Independent Claims: -3** = X =

Multiple Dependent: =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$126)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES		Large Entity		Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee (\$)		
1051	130	2051	65		Surcharge - late filing fee or oath	
1052	50	2052	25		Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130		Non-English specification	
1812	2,520	1812	2,520		For filing a request for ex parte reexamination	
1804	920*	1804	920*		Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*		Requesting publication of SIR after Examiner action	
1251	110	2251	55		Extension for reply within first month	
1252	410	2252	205		Extension for reply within second month	
1253	930	2253	465		Extension for reply within third month	
1254	1,450	2254	725		Extension for reply within fourth month	
1255	1,970	2255	985		Extension for reply within fifth month	
1401	320	2401	160		Notice of Appeal	
1402	320	2402	160		Filing a brief in support of an appeal	
1403	280	2403	140		Request for oral hearing	
1451	1,510	1451	1,510		Petition to institute a public use proceeding	
1452	110	2452	55		Petition to revive - unavoidable	
1453	1,300	2453	650		Petition to revive - unintentional	
1501	1,300	2501	650		Utility issue fee (or reissue)	
1502	470	2502	235		Design issue fee	
1503	630	2503	315		Plant issue fee	
1460	130	1460	130		Petitions to the Commissioner	
1807	50	1807	50		Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180		Submission of Information Disclosure Stmt	
8021	40	8021	40		Recording each patent assignment per property (times number of properties)	
1809	750	2809	375		Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375		For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375		Request for Continued Examination (RCE)	
1802	900	1802	900		Request for expedited examination of a design application	
Other fee (specify)						
*Reduced by Basic Filing Fee Paid						
SUBTOTAL (3)					(\$)	

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Samuel B. Smith, Jr.	Registration No. (Attorney/Agent)	22,278
Signature		Telephone	859-231-3030
		Date	May 8, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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